

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIO CASTRO et al.,

Defendants.

2:19cr-00295-GMN-NJK

**ORDER REGARDING SEVERANCE
AND CONTINUANCE AS TO
DEFENDANT JOSE SALUD CASTRO**

Based on the pending Stipulation between defendant Jose Salud Castro and the government, and good cause appearing therefore, the Court hereby finds that:

1. Defendant Jose Salud Castro is charged in an indictment with conspiracy to commit mail fraud and twelve counts of mail fraud. Trial is set for September 26, 2022, for defendant and four co-defendants.
2. On September 14, 2022, Magistrate Judge Koppe found that “Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” ECF No. 463 at 1. Judge Koppe ordered that Defendant be committed “to the custody of the Attorney General, pursuant to 18 U.S.C. § 4241(d).” *Id.* Accordingly, defendant cannot stand trial on September 26.
3. Pursuant to statute, and as recognized by Judge Koppe’s Order, it is possible that defendant’s mental condition will improve such that proceedings can go forward, or possible that it will not. *Id.* at 2. If defendant’s condition improves such that a trial

can be held, “the director of the facility in which Defendant is hospitalized ... shall promptly file a certificate to that effect with the Court Clerk.” *Id.* Judge Koppe also set a status hearing on this matter for February 7, 2023. *Id.* at 3.

4. To avoid delaying the September 26 trial date, and given the uncertainty about whether defendant Jose Salud Castro will be able to stand trial at any point in the future, defendant Jose Salud Castro is severed from the trial of the remaining defendants. *See* Fed. R. Crim. P. 14(a).
5. Trial of the charges against defendant shall be continued to February 27, 2023, at 8:30 a.m. Calendar call continued to February 21, 2023, at 9:00 a.m.
6. The continuance requested by this stipulation is excludable in computing the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(A) (“Any period of delay resulting from other proceedings concerning the defendant, including but not limited to ... delay resulting from any proceeding, including any examinations, to determine the mental competency or physical capacity of the defendant”).

DATED this 19 day of September, 2022.



HONORABLE GLORIA M. NAVARRO
United States District Court Judge